DETAILED ACTION

1.   This Office Action is in response to the initial filing on 02/24/2004. Claims 1-24

are currently pending and are considered below.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

4.   Claim 1 is directed to an apparatus and method for using said apparatus. For

example, claim 1 recites both a computing structure (host equipment and provider

equipment comprising memory and controller), as well as method steps this structure

performs (e.g. … provider points are sent to the host equipment …). It has been held

that a claim that recites both an apparatus and a method for using said apparatus is

indefinite under section 112, paragraph 2, as such a claim is not sufficiently precise to

provide competitors with an accurate determination of the 'metes and bounds' of

protection involved (*IPXL Holdings LLC v. Amazon.com Inc.,* 77 USPQ2d 1140 (CA FC

2005); *Ex parte Lyell,* 17 USPQ2d 1548).

5.   Claims 7, 13, and 19 are rejected for reciting similar language.

6.   Claims 2-6, 8-12, 14-18 and 20-24 are rejected for depending on claims 1, 7, 13,

19 respectively, thus using similar language.

7.   Claims 7, 13 and 19 are rejected for being directed respectively to host

equipment, provider equipment and account holder terminal, but recite limitations to

devices that are not part of the respective equipment (*In re Zletz*).

8.   Claims 8-12, 14-18 and 20-24 are rejected for depending on claims 7, 13, 19

respectively, thus using similar language.

9.   Claims 3, 9, 15 and 21 are rejected as the claims recite: ….formula: (the ratio) =

A*B*C; A*B*C is not a ratio. However, A*B*C is not a ratio; it is a product (*In re Zletz*).

Claim Rejections - 35 USC § 103

10.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

11.   Claims 1-5, 7-11, 13-17, and 19-23 are rejected under 35 U.S.C 103(a) as being

unpatentable over Blumberg (US Patent No. 6,240,415) ("Blumberg"), and in view of

Anderson et al (US patent Publication No. 2002/0065723) ("Anderson").

12.   Regarding claim 1, Blumberg discloses: A system for exchanging a provider

point information into a host point information, comprising:

      (a) a host equipment, comprising

            (i)   a host memory for memorizing a host account in connection with a

                  host account holder information and a host point information

                  including available host points (figure 3; column 8, lines 28-42), and

            (ii)   (ii) a host controller for controlling the host memory (figure 3;

                  column 8, lines 28-42);

     (b) a provider equipment connected to the host equipment, comprising:

            (i)   a provider memory for memorizing a provider account in connection

                  with a provider account holder information and a provider point

                  information including available provider points (figure 3; column 8,

                  lines 28-42), and

            (ii)   (ii) a provider controller for controlling the provider memory (figure

                  3; column 8, lines 28-42); and

     (c) an account holder terminal connected to the host equipment, wherein the

        account holder terminal is provided to an account holder having the host

        account and the provider account, comprising:

(i)   a display for browsing the host point information including the

available host points, and the provider point information including

the available provider points (figure 3, element 104;

(ii)   a data inputting device to designate a portion of the available

provider points of the provider point information (figure 3, element

114),

Blumberg does not disclose wherein the designated portion of the available

provider points is sent to the host equipment and exchanged into host points in

connection with the host point information, and wherein the host points

exchanged are added into the available host points memorized in the host

memory. However, Anderson discloses a method of converting one type of

points into another type of points (figure 7, element 730; [0040]; [0054]; [0062],

as well as adding the points to existing points in memory (figure 7, element 740).

It would have been obvious to one skilled in the art to modify Blumberg's

teachings with Anderson's in order to allow for greater flexibility in managing the

points account, i.e. increasing the amount of points on an as-needed basis.

13.   Regarding claim 2, Blumberg discloses: A system for exchanging a provider

point information into a host point information according to claim 1 (see claim 1 rejection

above). Blumberg does not specifically disclose wherein the host controller exchanges

the provider points into the host points in accordance with a ratio determined in

connection with a market principle. However, Anderson discloses a method of

converting one type of points into another type of points (figure 7, element 730; [0040];

[0054]; [0062]. Anderson does not specifically recite a ratio conjectured to market

principles; however, Anderson does teach converting using a ratio. Therefore, it would

have been obvious to use whatever ratio meets the needs of an ordinary artisan

practicing the method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. &

Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

14.   Regarding claim 3, Blumberg discloses: A system for exchanging a provider

point information into a host point information according to claim 1 (see claim 1 rejection

above). Blumberg does not specifically disclose wherein the host controller exchanges

the provider points into the host points in accordance with a ratio determined by the

following formula: (the ratio) = A*B*C, where "A" represents an original rate, "B"

represents a marketing rate, and "C" represents a currency rate. However, Anderson

discloses a method of converting one type of points into another type of points (figure 7,

element 730; [0040]; [0054]; [0062]). Anderson does not specifically recite A*B*C,

however, Anderson does teach converting using a ratio. Therefore, it would have been

obvious to use whatever ratio meets the needs of an ordinary artisan practicing the

method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007); In

re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

15.   Regarding claim 4, Blumberg discloses: A system for exchanging a provider

point information into a host point information according to claim 1 (see claim 1 rejection

above). Blumberg does not specifically disclose wherein the host controller reversely exchanges the host points into the provider points. However, Anderson discloses a method of converting any type of points into any other type of points (figure 7, element 730; [0040]; [0054]; [0062]. It would have been obvious to one skilled in the art to modify Blumberg's teachings with Anderson's in order to give customer greater flexibility in the way he uses his awards account.

16.   Regarding claim 5, Blumberg discloses: A system for exchanging a provider point information into a host point information according to claim 1 (see claim 1 rejection above). Blumberg does not specifically disclose wherein a portion of the available host points of the host point information is designated and exchanged into the provider points in connection with the provider point information, wherein the provider points exchanged is added into the available provider points memorized in the provider memory. However, Anderson discloses a method of converting one type of points into another type of points (figure 7, element 730; [0040]; [0054]; [0062], as well as adding the points to existing points in memory (figure 7, element 740). It would have been obvious to one skilled in the art to modify Blumberg's teachings with Anderson's in order to allow for greater flexibility in managing the points account, i.e. increasing the amount of points on an as-needed basis.

17.   Regarding claim 7, Blumberg discloses: A host equipment for exchanging a provider point information into a host point information comprising:

(i) a host memory for memorizing a host account in connection with a host

account holder information and a host point information including available

host points (figure 3; column 8, lines 28-42), and

(ii) a host controller for controlling the host memory (figure 3; column 8,

lines 28-42);

wherein the host equipment is connected to a provider equipment, the provider

equipment comprising

(i) a provider memory for memorizing a provider account in connection

with a provider account holder information and a provider point information

including available provider points (figure 3; column 8, lines 28-42), and

(ii) a provider controller for controlling the provider memory (figure 3;

column 8, lines 28-42);

wherein the host equipment is connected to an account holder terminal, the account

holder terminal comprising:

(i) a display for browsing the host point information including the available

host points, and the provider point information including the available

provider points (figure 3, element 104);

(ii) a data inputting device to designate a portion of the available provider

points of the provider point information (figure 3, element 114),

Blumberg does not disclose wherein the account holder terminal is provided to an

account holder having the host account and the provider account, wherein the

designated portion of the available provider points is sent to the host equipment and

exchanged into host points in connection with the host point information, and wherein the host points exchanged are added into the available host points memorized in the host memory. However, Anderson discloses a method of converting one type of points into another type of points (figure 7, element 730; [0040]; [0054]; [0062], as well as adding the points to existing points in memory (figure 7, element 740). It would have been obvious to one skilled in the art to modify Blumberg's teachings with Anderson's in order to allow for greater flexibility in managing the points account, i.e. increasing the amount of points on an as-needed basis.

18.   Regarding claim 8, Blumberg discloses: A host equipment for exchanging a provider point information into a host point information according to claim 7 (see claim 7 rejection above). Blumberg does not specifically disclose wherein the host controller exchanges the provider points into the host points in accordance with a ratio determined in connection with a market principle. However, Anderson discloses a method of converting one type of points into another type of points (figure 7, element 730; [0040]; [0054]; [0062]. Anderson does not specifically recite a ratio conjectured to market principles; however, Anderson does teach converting using a ratio. Therefore, it would have been obvious to use whatever ratio meets the needs of an ordinary artisan practicing the method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

19.   Regarding claim 9, Blumberg discloses: A host equipment for exchanging a

provider point information into a host point information according to claim 7 (see claim 7

rejection above). Blumberg does not specifically disclose wherein the host controller

exchanges the provider points into the host points in accordance with a ratio determined

by the following formula: (the ratio) = A*B*C, where "A" represents an original rate, "B"

represents a marketing rate, and "C" represents a currency rate. However, Anderson

discloses a method of converting one type of points into another type of points (figure 7,

element 730; [0040]; [0054]; [0062]. Anderson does not specifically recite A*B*C,

however, Anderson does teach converting using a ratio. Therefore, it would have been

obvious to use whatever ratio meets the needs of an ordinary artisan practicing the

method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007); In

re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

20.   Regarding claim 10, Blumberg discloses: A host equipment for exchanging a

provider point information into a host point information according to claim 7 (see claim 7

rejection above). Blumberg does not specifically disclose wherein the host controller

reversely exchanges the host points into the provider points. However, Anderson

discloses a method of converting any type of points into any other type of points (figure

7, element 730; [0040]; [0054]; [0062]. It would have been obvious to one skilled in the

art to modify Blumberg's teachings with Anderson's in order to give customer greater

flexibility in the way he uses his awards account.

21.   Regarding claim 11, Blumberg discloses: A host equipment for exchanging a

provider point information into a host point information according to claim 7 (see claim 7

rejection above). Blumberg does not specifically disclose wherein a portion of the

available host points of the host point information is designated and exchanged into the

provider points in connection with the provider point information, wherein the provider

points exchanged is added into the available provider points memorized in the provider

memory. However, Anderson discloses a method of converting one type of points into

another type of points (figure 7, element 730; [0040]; [0054]; [0062], as well as adding

the points to existing points in memory (figure 7, element 740). It would have been

obvious to one skilled in the art to modify Blumberg's teachings with Anderson's in order

to allow for greater flexibility in managing the points account, i.e. increasing the amount

of points on an as-needed basis.

22.   Regarding claim 13, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information, comprising:

     a) a provider equipment connected to the host equipment, comprising:

          (i) a provider memory for memorizing a provider account in connection

          with a provider account holder information and a provider point information

          including available provider points (figure 3; column 8, lines 28-42), and

          (ii) a provider controller for controlling the provider memory (figure 3;

          column 8, lines 28-42); and

b) wherein the provider equipment is connected to a host equipment, the host

equipment comprising:

(i) a host memory for memorizing a host account in connection with a host

account holder information and a host point information including available

host points (figure 3; column 8, lines 28-42), and

(ii) a host controller for controlling the host memory (figure 3; column 8,

lines 28-42),

wherein the provider equipment is connected to an account holder terminal, the account

holder terminal comprising:

(i) a display for browsing the host point information including the available

host points, and the provider point information including the available

provider points (figure 3, element 104); and

(ii) a data inputting device to designate a portion of the available provider

points of the provider point information (figure 3, element 114),

Blumberg does not disclose wherein the account holder terminal is provided to an

account holder having the host account and the provider account), wherein the

designated portion of the available provider points is sent to the host controller of the

host equipment and exchanged into host points in connection with the host point

information, and wherein the host points exchanged are added into the available host

points memorized in the host memory. However, Anderson discloses a method of

converting one type of points into another type of points (figure 7, element 730; [0040];

[0054]; [0062], as well as adding the points to existing points in memory (figure 7,

element 740). It would have been obvious to one skilled in the art to modify Blumberg's

teachings with Anderson's in order to allow for greater flexibility in managing the points

account, i.e. increasing the amount of points on an as-needed basis.

23.   Regarding claim 14, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information according to claim 13 (see claim

13 rejection above). Blumberg does not specifically disclose wherein the host controller

exchanges the provider points into the host points in accordance with a ratio determined

in connection with a market principle. However, Anderson discloses a method of

converting one type of points into another type of points (figure 7, element 730; [0040];

[0054]; [0062]. Anderson does not specifically recite a ratio conjectured to market

principles; however, Anderson does teach converting using a ratio. Therefore, it would

have been obvious to use whatever ratio meets the needs of an ordinary artisan

practicing the method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. &

Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

24.   Regarding claim 15, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information according to claim 13 (see claim

13 rejection above). Blumberg does not specifically disclose wherein the host controller

exchanges the provider points into the host points in accordance with a ratio determined

by the following formula: (the ratio) = A*B*C, where "A" represents an original rate, "B"

represents a marketing rate, and "C" represents a currency rate. However, Anderson

discloses a method of converting one type of points into another type of points (figure 7,

element 730; [0040]; [0054]; [0062]. Anderson does not specifically recite A*B*C,

however, Anderson does teach converting using a ratio. Therefore, it would have been

obvious to use whatever ratio meets the needs of an ordinary artisan practicing the

method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. & Int. 2007); In

re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

25.   Regarding claim 16, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information according to claim 13 (see claim

13 rejection above). Blumberg does not specifically disclose wherein the host controller

reversely exchanges the host points into the provider points. However, Anderson

discloses a method of converting any type of points into any other type of points (figure

7, element 730; [0040]; [0054]; [0062]. It would have been obvious to one skilled in the

art to modify Blumberg's teachings with Anderson's in order to give customer greater

flexibility in the way he uses his awards account.

26.   Regarding claim 17, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information according to claim 13 (see claim

13 rejection above). Blumberg does not specifically disclose wherein a portion of the

available host points of the host point information is designated and exchanged into the

provider points in connection with the provider point information, wherein the provider

points exchanged is added into the available provider points memorized in the provider

memory. However, Anderson discloses a method of converting one type of points into another type of points (figure 7, element 730; [0040]; [0054]; [0062], as well as adding the points to existing points in memory (figure 7, element 740). It would have been obvious to one skilled in the art to modify Blumberg's teachings with Anderson's in order to allow for greater flexibility in managing the points account, i.e. increasing the amount of points on a as-needed basis.

27.   Regarding claim 19, Blumberg discloses: An account holder terminal for exchanging a provider point information into a host point information, comprising:

> (i) a display for browsing a host point information including available host points, and a provider point information including available provider points (figure 3, element 104);

> (ii) a data inputting device to designate a portion of the available provider points of the provider point information (figure 3, element 114),

wherein the account holder terminal is provided to an account holder having the host account and the provider account, comprising: wherein the account holder terminal is connected to a host equipment, the host equipment comprising:

> (i) a host memory for memorizing a host account in connection with a host account holder information and a host point information including available host points (figure 3; column 8, lines 28-42), and

> (ii) a host controller for controlling the host memory (figure 3; column 8, lines 28-42),

wherein the account holder terminal is connected to a provider equipment connected to

the host equipment, the provider equipment comprising:

> (i) a provider memory for memorizing a provider account in connection
>
> with a provider account holder information and a provider point information
>
> including available provider points (figure 3; column 8, lines 28-42), and
>
> (ii) a provider controller for controlling the provider memory (figure 3;
>
> column 8, lines 28-42), and

Blumberg does not disclose wherein the designated portion of the available provider

points is sent to the host equipment and exchanged into host points in connection with

the host point information, and wherein the host points exchanged are added into the

available host points memorized in the host memory. However, Anderson discloses a

method of converting one type of points into another type of points (figure 7, element

730; [0040]; [0054]; [0062], as well as adding the points to existing points in memory

(figure 7, element 740). It would have been obvious to one skilled in the art to modify

Blumberg's teachings with Anderson's in order to allow for greater flexibility in managing

the points account, i.e. increasing the amount of points on an as-needed basis.

28.   Regarding claim 20, Blumberg discloses: An account holder terminal for

exchanging a provider point information into a host point information according to claim

19 (see claim 19 rejection above). Blumberg does not specifically disclose wherein the

host controller exchanges the provider points into the host points in accordance with a

ratio determined in connection with a market principle. However, Anderson discloses a

method of converting one type of points into another type of points (figure 7, element

730; [0040]; [0054]; [0062]. Anderson does not specifically recite a ratio conjectured to

market principles; however, Anderson does teach converting using a ratio. Therefore, it

would have been obvious to use whatever ratio meets the needs of an ordinary artisan

practicing the method of Anderson (Ex parte Smith, 83 USPQ2d 1509 (Bd. Pat. App. &

Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

29.   Regarding claim 21, Blumberg discloses: An account holder terminal for

exchanging a provider point information into a host point information according to claim

19 (see claim 19 rejection above). Blumberg does not specifically disclose wherein the

host controller exchanges the provider points into the host points in accordance with a

ratio determined by the following formula: (the ratio) = A*B*C, where "A" represents an

original rate, "B" represents a marketing rate, and "C" represents a currency rate.

However, Anderson discloses a method of converting one type of points into another

type of points (figure 7, element 730; [0040]; [0054]; [0062]. Anderson does not

specifically recite A*B*C, however, Anderson does teach converting using a ratio.

Therefore, it would have been obvious to use whatever ratio meets the needs of an

ordinary artisan practicing the method of Anderson (Ex parte Smith, 83 USPQ2d 1509

(Bd. Pat. App. & Int. 2007); In re Wolfe, 116 USPQ 443, 444 (CCPA 1961)).

30.   Regarding claim 22, Blumberg discloses: An account holder terminal for

exchanging a provider point information into a host point information according to claim

19 (see claim 19 rejection above). Blumberg does not specifically disclose wherein the

host controller reversely exchanges the host points into the provider points. However,

discloses a method Anderson of converting any type of points into any other type of

points (figure 7, element 730; [0040]; [0054]; [0062]. It would have been obvious to one

skilled in the art to modify Blumberg's teachings with Anderson's in order to give

customer greater flexibility in the way he uses his awards account.

31.   Regarding claim 23, Blumberg discloses: An account holder terminal for

exchanging a provider point information into a host point information according to claim

19 (see claim 19 rejection above). Blumberg does not specifically disclose wherein a

portion of the available host points of the host point information is designated and

exchanged into the provider points in connection with the provider point information,

wherein the provider points exchanged is added into the available provider points

memorized in the provider memory. However, Anderson discloses a method of

converting one type of points into another type of points (figure 7, element 730; [0040];

[0054]; [0062], as well as adding the points to existing points in memory (figure 7,

element 740). It would have been obvious to one skilled in the art to modify Blumberg's

teachings with Anderson's in order to allow for greater flexibility in managing the points

account, i.e. increasing the amount of points on a as-needed basis.

32.   Claims 6, 12, 18 and 24 are rejected under U.S.C. 103 (a) as being unpatentable

over Blumberg (US Patent No. 6,240,415) ("Blumberg"), and in view of Anderson et al

(US patent Publication No. 2002/0065723) ("Anderson"), and in further view of Chien et

al (US Publication No. 2001/0054003) ("Chien").

33.   Regarding claim 6, Blumberg discloses: A system for exchanging a provider

point information into a host point information according to claim 1 (see claim 1 rejection

above). Blumberg and Anderson do not specifically disclose further including a

shopping equipment displaying an article or service, wherein the account holder

designates the article or service in exchange of a portion of the available host points.

However, Chien discloses using a shopping gateway to a variety of merchants allowing

customer to use a variety of payment methods, including all types of award points

(figure 12A-12D; [0066]). It would have been obvious to one skilled in the art to modify

Blumberg's teachings with Chien's in order to stimulate customers to use award points

for the acquisition of merchandize, thus increasing the merchants' sales volume.

34.   Regarding claim 12, Blumberg discloses: A host equipment for exchanging a

provider point information into a host point information according to claim 7 (see claim 7

rejection above). Blumberg and Anderson do not specifically disclose further including a

shopping equipment displaying an article or service, wherein the account holder

designates the article or service in exchange of a portion of the available host points.

However, Chien discloses using a shopping gateway to a variety of merchants allowing

customer to use a variety of payment methods, including all types of award points

(figure 12A-12D; [0066]). It would have been obvious to one skilled in the art to modify

Blumberg's teachings with Chien's in order to stimulate customers to use award points

for the acquisition of merchandize, thus increasing the merchants' sales volume.

35.   Regarding claim 18, Blumberg discloses: A provider equipment for exchanging a

provider point information into a host point information according to claim 13 (see claim

13 rejection above). Blumberg and Anderson do not specifically disclose further

including a shopping equipment displaying an article or service, wherein the account

holder designates the article or service in exchange of a portion of the available host

points. However, Chien discloses using a shopping gateway to a variety of merchants

allowing customer to use a variety of payment methods, including all types of award

points (figure 12A-12D; [0066]). It would have been obvious to one skilled in the art to

modify Blumberg's teachings with Chien's in order to stimulate customers to use award

points for the acquisition of merchandize, thus increasing the merchants' sales volume.

36.   Regarding claim 24, Blumberg discloses: An account holder terminal for

exchanging a provider point information into a host point information according to claim

19 (see claim 19 rejection above). Blumberg and Anderson do not specifically disclose

further including a shopping equipment displaying an article or service, wherein the

account holder designates the article or service in exchange of a portion of the available

host points. However, Chien discloses using a shopping gateway to a variety of

merchants allowing customer to use a variety of payment methods, including all types of

award points (figure 12A-12D; [0066]). It would have been obvious to one skilled in the

art to modify Blumberg's teachings with Chien's in order to stimulate customers to use award points for the acquisition of merchandize, thus increasing the merchants' sales volume.

CONCLUSION

37.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to RADU ANDREI whose telephone number is (571)270-5283. The examiner can normally be reached on Mo-Thurs 8am-5pm.

38.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Calvin Hewitt can be reached on 571.272.6709. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

39.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/RADU ANDREI/
Examiner, Art Unit 4137

/Calvin L Hewitt II/

Supervisory Patent Examiner, Art Unit 4137